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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,031	07/11/2001	Alain Benayoun	FR92000003US1	9828
45503	7590	09/19/2005	EXAMINER	
DILLON & YUDELL LLP 8911 N. CAPITAL OF TEXAS HWY., SUITE 2110 AUSTIN, TX 78759			PHUNKULH, BOB A	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/903,031	BENAYOUN ET AL.	
	<b>Examiner</b> Bob A. Phunkulh	<b>Art Unit</b> 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 July 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 11 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 7 is objected to because of the following informalities: please correct the subject matter "said plurality of request signals" to –a plurality of request signals--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is not clear what it meant by "and transmits said data frame through said crossbar switch" as cited in the claim i.e. transmits the converted data of the identical size?

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by *lidaka* et al. (US 5,528,590), hereinafter *lidaka*.

Regarding claim 1, *lidaka* discloses a data transmission system, comprising:  
a hub including a plurality of adapters including at least a requesting adapter and at least a destination adapter (the ATM communication apparatus 30 comprises of a plurality of interfaces, LAN I/F or ATM I/F, see figures 1-3, where one of the I/F functions as requesting I/F and one of the other I/F as destination);

a plurality of data processing systems, including at least a requesting data processing system and at least a destination data processing system, coupled to said hub via said requesting adapter and said destination adapter (the LAN 10, see figure 1); and

a crossbar switch coupling said plurality of adapters, wherein said requesting data processing system transmits at least a data frame to said destination adapter, said requesting adapter converts said data frame into concatenated slots of an identical size and transmits said data frame through said crossbar switch (the ATM switch 60, see figures 1-3; the incoming LAN frames from the LAN I/F 50 are converted to ATM cell by Frame Cell converter 53, having 53 bytes, and transmitting the ATM cells thru the ATM switch 60 to their destinations, i.e. terminal 21a, see figure 1-3).

Regarding claim 2, *lidaka* inherently discloses the plurality of data processing systems is a plurality of local area networks (LANs), including at least a requesting LAN and at least a destination LAN (see figures 1-3 shown only LAN 10, but the destination

could be another LAN connected to the ATM communication apparatus 30).

Regarding claim 3, *lidaka* inherently the plurality of adapters is a plurality of local area network (LAN) adapters, including at least a requesting LAN adapter and at least a destination LAN adapter (see figures 1-3 shown only LAN I/F 50, but the destination could be another LAN I/F connected to the ATM switch 60).

Regarding claim 4, *lidaka* discloses the data frame is a LAN data frame (the LAN I/F 50 receives LAN data frame from LAN 10, see figures 1-3).

Regarding claim 5, *lidaka* discloses the crossbar switch is an asynchronous transfer mode (ATM) crossbar switch (ATM switch 60, see figures 1-3).

Regarding claim 6, *lidaka* discloses the plurality of LAN adapter further includes: a control logic for transmitting a plurality of request signals (REQ) to said crossbar switch, each of said plurality of requests signals associated with said destination adapter (the L control unit send cell transmission request to controller 70, see figure 7 step 202).

Regarding claim 7, *lidaka* inherently discloses a scheduler for transmitting a plurality of grant signals (GNT) associated with said plurality of request signals enabling said requesting data processing system to transmit at least said data frame to said

destination data processing system, said plurality of grant signals being transmitted in an order depending upon a predetermined algorithm controlling said scheduler regardless the order said plurality of requests are transmitted by said requesting adapter (the ATM communication apparatus 30 comprises of controller 70 for granting the requests received from the control units 47 or 56, see figures 1-3).

Regarding claim 8, *Idaka* discloses the requesting adapter further comprises: a serial communication controller further including: a means for converting said data frame received from said requesting data processing system into serial data before transmitting said serial data to said crossbar switch; and means for converting serial data before transmitting said data frame to said destination data processing system (the LAN I/F includes frame cell converter 53 for converting incoming frames to ATM cells before transmitting their destinations, see figures 1-3).

Regarding claim 9, *Idaka* discloses the serial data is implemented as concatenated slots of a cell size in a high-level data link control (HDLC) format (the incoming LAN frame is converted to ATM cells by the frame cell converter 53, see figures 1-3).

***Allowable Subject Matter***

Claims 10-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**Any response to this action should be mailed to:**

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop \_\_\_\_\_  
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P. O. Box 1450  
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**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

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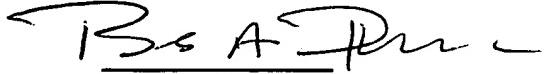
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Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is (571)

**272-3083.** The examiner can normally be reached on Monday-Tursday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Chau Nguyen**, can be reach on **(571) 272-3126**. The fax phone number for this group is **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bob A. Phunkulh  
Primary Examiner  
TC 2600  
Art Unit 2661  
September 15, 2005

BOB PHUNKULH  
PRIMARY EXAMINER